

IN THE SUPREME COURT OF THE STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

In the Matter of:)	
)	Administrative Directive
ADOPTION AND MODIFICATION)	No. 2020 - <u>15</u>
OF PROTECTIVE ORDER FORMS)	(Amending Administrative Directives
)	Nos. 2019-10, 2013-03, and 2006-01)
)	
)	

Arizona Code of Judicial Administration (ACJA) § 5-207 authorizes the Administrative Director of the Administrative Office of the Courts (AOC) to approve or modify protective order forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections.

In the 2020 54th Legislature-Second Regular Session, SB1441 was signed into law, with a general effective date of August 25, 2020. It requires a plaintiff who was granted exclusive use of a shared residence by an Order of Protection or an Emergency Order of Protection to give notice to the court if vacating the residence prior to the expiration of the court order. If the notice pertains to an Order of Protection, the court must notify the defendant that the plaintiff has moved out of the residence and advise the defendant of the right to a hearing.

THEREFORE, to conform language on certain protective order forms with this legislation,

IT IS DIRECTED that a new form, the Notice Regarding Exclusive Possession of a Shared Residence, as shown in Appendix A, shall be adopted;

IT IS FURTHER DIRECTED that the Plaintiff's Guide Sheet, Defendant's Guide Sheet, Hearing Request, and Emergency Order of Protection forms approved by Administrative Directive 2019-10 shall be replaced by the revised forms in Appendix B of this directive; and

IT IS FURTHER DIRECTED that beginning August 25, 2020, all Arizona courts shall use the versions of the protective order forms as provided by this administrative directive, except that courts may make technical formatting changes as permitted by ACJA § 5-207.

Dated this 22nd day of July, 2020.

DAVID K. BYERS
Administrative Director

All Courts In Arizona/NCIC#/DPS# Address City, Arizona Zip Code Telephone Number

<u>Plaintiff</u> <u>v.</u> <u>Defendant</u>	<u>Case No.</u>	NOTICE REGARDING EXCLUSIVE POSSESSION OF A SHARED RESIDENCE
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I am the plaintiff in the above-captioned case. This court issued an Order of Protection on my behalf and granted me exclusive possession of a residence that I shared with the defendant. I am giving notice to the court that effective ____/____/____, I moved out of the previously shared residence located at:

Street Address

City

State/Zip Code

Under penalty of perjury, I swear or affirm the above statement is true.

Plaintiff

Date

NOTICE TO THE DEFENDANT

The Order of Protection issued by this court granted the plaintiff exclusive possession of a residence that you shared with the plaintiff. The plaintiff has provided the above notice to this court regarding exclusive possession of the shared residence. You have a right to a hearing pursuant to A.R.S. § 13-3602(L). If you wish to be heard by the court, you must file a hearing request in writing. A Hearing Request form is provided with this notice.

Date

Judicial Officer or Clerk

CERTIFICATE OF TRANSMITTAL

Notice [] mailed [] provided personally to Defendant on ____/____/____ by _____

Plaintiff's Guide Sheet for Protective Orders

This guide sheet provides basic information about protective orders. Keep this guide for future reference. If you receive a protective order, you should always carry a copy of the order with you.

TYPES OF PROTECTIVE ORDERS

1. ORDER OF PROTECTION (OP)—An OP is used when you and the defendant (the person from whom you want protection) have a specific relationship. In addition to having a qualifying relationship, you must state how an act of domestic violence was threatened or committed against you within the last year.

A qualifying relationship for an Order of Protection includes any of the following:

- married to each other (past or present)
- live together (past or present)—intimate partners
- romantic or sexual relationship (past or present)
- parent of a child in common
- one party is pregnant by the other
- related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- live together (past or present)—not intimate partners

**READ THIS
FIRST.**

2. INJUNCTION AGAINST HARASSMENT (IAH)—If you and the defendant do not share any of these relationships, you may ask for an Injunction Against Harassment (IAH). You must tell on the petition how the defendant has committed a series of acts (more than one) of harassment against you in the last year or one act of sexual violence (as defined in ARS § 23-371) against you.

3. INJUNCTION AGAINST WORKPLACE HARASSMENT (IAWH)—An employer or owner of a business or operation may file for this type of injunction for the benefit of an employee or the business based on a single act or a series of acts of harassment.

PETITION

Your request for a protective order begins when you file a petition with the court. There is no cost to file the petition for an OP or an IAH. In the petition, you must provide dates and facts about the domestic violence or harassing acts that you allege the defendant has committed against you or why you believe domestic violence or harm may occur without protection. **NOTE: If the judge grants your request, the defendant will be given a copy of your petition and the order. The petition may be used in future judicial proceedings.** You can list only one defendant per petition. If you want to file against more than one person, you must file a separate petition for each defendant.

CHILDREN AS OTHER PROTECTED PERSONS

You may ask for a child be included as a protected person only if (1) the child is not the defendant's child or (2) the child is the defendant's child and the domestic violence involved the child. Only a superior court judge can decide child custody (legal decision-making) or parenting time in a separate family law action.

FAMILY COURT

If either you or the defendant file an action for maternity, paternity, annulment, legal separation, or divorce, tell the clerk immediately so the protective order case can be transferred to the superior court.

FILING A PETITION ON BEHALF OF A MINOR OR ANOTHER PERSON

If you are:

- a parent, guardian, or custodian of a minor who is asking for protection from someone else, choose the relationship between the *minor* and the *defendant* on the petition.
- applying on behalf of a person who is either temporarily or permanently unable to request an order, choose the relationship between the *person* and the *defendant* on the petition.

SERVICE AND EFFECT

Order of Protection: The court will send the OP to the appropriate law enforcement agency for service. There is no cost for service of an OP. If law enforcement is unable to serve the OP within 15 days, law enforcement will contact you. Law enforcement has a continuing duty to attempt service, so if you have additional information about the defendant's location, please contact the law enforcement agency. The OP will be valid and enforceable for one year from the date of service. A served OP is enforceable by law enforcement in any state or tribal nation in the United States.

Injunction Against Harassment or an Injunction Against Workplace Harassment: You have one year from the date of issuance to ask for an IAH or IAWH to be served on the defendant. The order will be valid and enforceable for one year from the date of service. The court will instruct you on how service can be made. Law enforcement will serve an IAH involving a dating relationship or based on an act of sexual violence at no cost. There is a fee to serve an IAWH or an IAH not involving a dating relationship or sexual violence. The cost to serve injunctions depends on mileage and number of attempts. If you cannot afford pay for service, you can ask the judge to defer or waive the fee.

CONTESTED HEARING

If the defendant disagrees with the protective order, the defendant has the right to ask for a hearing. The court will conduct the hearing within 5 to 10 business days after the defendant makes a written request. At this hearing, you may present evidence (exhibits) and have witnesses testify on your behalf. The judge will take testimony from you, the defendant, and any witnesses to decide whether there is a legal reason to keep the order in place. If you do not appear for the hearing, the court may dismiss your order; therefore, you must notify the court of any change in your contact information to ensure you get notice of any hearing dates and times.

NO-CONTACT ORDERS

The defendant can be arrested for violating this protective order, even if you initiate contact. **If the defendant does not want you to contact him or her, the defendant has the right to request a protective order against you.** Orders are not automatically granted upon request—legal requirements must be met.

RESIDENCE AND PROPERTY

You may ask the judge to give you exclusive use of a residence you share with the defendant. **IMPORTANT:** If the judge gives you exclusive use but you move out of the residence while the court order is still in effect, you must notify the court within five days of moving out. The court will provide a notice form at your request. If the defendant needs to get personal belongings from the residence, the judge may order a civil standby. Standby allows the defendant to return once with a law enforcement officer to get necessary personal belongings. If the judge grants a civil standby, the defendant must arrange a time and date with a law enforcement agency. Neither law enforcement nor a protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

FIREARMS

You may ask the judge to order the defendant not to possess, receive, or purchase firearms or ammunition while the protective order is in effect.

ANIMALS

If you are asking for an Order of Protection, you may also ask the court to grant you the custody, care, and control of any animal owned by you, the defendant, or a minor child living in your household if you believe the defendant is a danger to the animal.

COUNSELING

Counseling for the defendant can be ordered only at a hearing of which the defendant has notice and an opportunity to participate.

CHANGING OR DISMISSING THE ORDER

Nothing you do on your own can dismiss or change this protective order. If you want to change or dismiss this order, you must make a written request to the court.

PUBLIC ACCESS

To comply with federal law, no identifying information about you from this protective order case will be published on the Judicial Branch website (www.azcourts.gov).

RESOURCES, SAFETY PLANS

See Domestic Violence Info (<http://www.azcourts.gov/domesticviolencelaw>) and the booklet *Things You Should Know About Protective Orders* for information about protective orders, resources, and safety plans.

Defendant: _____ Date: _____ Case No. _____

Defendant's Guide Sheet for Protective Orders - Please Read Carefully

This guide sheet provides more information about the petition and the order that have been served on you.

The PETITION contains the plaintiff's allegations against you and the relief that was requested from the court. The ORDER tells you what conditions the judge granted. If you were served only with a petition, a pre-issuance hearing will be scheduled.

**IF YOU HAVE BEEN
SERVED WITH:**

☐ **ORDER OF PROTECTION.** An Order of Protection has been issued because you allegedly committed or may commit an act of domestic violence against the plaintiff. You and the plaintiff have one of the following relationships:

- married (past or present)
- live/lived together as intimate partners
- romantic or sexual relationship (past or present)
- parent of a child in common
- one party is pregnant by the other
- related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- live/lived together but not as intimate partners

☐ **INJUNCTION AGAINST HARASSMENT.** You allegedly have committed a series of acts (more than one) of harassment or one act of sexual violence (as defined in ARS § 23-371) against the plaintiff within the last year.

☐ **INJUNCTION AGAINST WORKPLACE HARASSMENT.** An employer or a business owner, for the benefit of employees or the business, has filed a petition against you, alleging at least one act of harassment.

SERVICE AND EFFECT

This protective order is valid for one year from the date it was served on you. It is enforceable by law enforcement in any state or tribal nation in the United States.

**MODIFYING OR
DISMISSING THIS ORDER**

Only a judge can modify or dismiss this protective order. The plaintiff cannot dismiss or change this protective order without the court's written approval.

**CONTACT WITH THE
PLAINTIFF**

You can be arrested for violating this protective order, even if the plaintiff initiates contact with you. You have the right to request a protective order against the plaintiff if you do not want the plaintiff to contact you. But orders are not automatically granted upon request. Legal requirements must be met.

REQUEST FOR HEARING

Contested Hearing. If you disagree with this protective order (regardless of its type), you have the right to request a hearing. The hearing will be held within 5 to 10 business days after you file a written request at the court that issued this order.

Exclusive Possession of Residence. If the court issued an Order of Protection that granted the plaintiff exclusive possession of a residence shared with you, the plaintiff must notify the court if he/she moves out of the residence while the order is in effect. Upon receipt of the notice, the court will send a copy to you. You have a right to a court hearing, upon written request, if there has been a change of circumstances related to the shared residence. See ARS § 13-3602(L).

Important note about hearings and firearms: Certain conditions may cause a defendant to be prohibited from possessing firearms by federal law while an Order of Protection is in effect. The conditions are: (1) Defendant and Plaintiff are either married (past or present), live together as intimate partners (past or present), or are parents of a child in common, and (2) the Order of Protection is affirmed or modified at a hearing of which Defendant received actual notice of the hearing and had an opportunity to participate (even if Defendant fails to appear at the hearing). If you have questions about hearings and state and federal firearms prohibitions, you should contact an attorney. The court cannot give you legal advice.

**RESIDENCE AND
PROPERTY**

The judge may have given the plaintiff exclusive use of a residence shared with you and may have allowed you a law enforcement standby. If the judge has granted standby on the protective order, you may return to the residence once with a law enforcement officer to obtain necessary personal belongings. You must arrange a date and time with law enforcement for the standby. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

FIREARMS

If the judge has ordered under Arizona law that you cannot possess, receive, or purchase firearms, you must surrender them within 24 hours after service of this protective order to the law enforcement agency named on this order. You should ask law enforcement to issue proof of the surrender. You may also have to provide documentation to the court that firearms were transferred to the specified law enforcement agency. If you have questions about a firearms prohibition and surrender, you should contact an attorney. The court cannot give you legal advice.

CHILDREN

If your child is listed as a protected person, you may be referred to superior court. Only a superior court judge can decide child custody (legal decision-making) or parenting time in a separate family law action.

FAMILY COURT

If either you or the plaintiff file an action for maternity, paternity, annulment, legal separation, or divorce, advise this court immediately so the protective order case can be transferred to the superior court.

All Courts In Arizona/NCIC#/DPS# Address City, AZ Zip Code Telephone Number

EMERGENCY ORDER OF PROTECTION

ORDER EXPIRES AT

Case No.

County

State

PLAINTIFF

PLAINTIFF IDENTIFIERS

First

Middle

Last

Plaintiff's Date of Birth

And on behalf of the minor family members or Protected Persons listed below. (List name and DOB.)

V.

DEFENDANT

DEFENDANT IDENTIFIERS

First

Middle

Last

Defendant/Plaintiff Relationship:

Defendant's Address:

SEX

RACE

DOB

HT

WT

EYES

HAIR

**Arizona Prohibits Release
of Social Security Numbers**

DRIVER'S LICENSE #

STATE

EXP DATE

CAUTION: ☐ Weapon Alleged in Petition

☐ Estimated Date of Birth

WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). **Only the court, in writing, can change this order.**

A peace officer has reasonable grounds to believe that Plaintiff is in immediate and present danger of domestic violence based on an allegation or a recent incident of violence and has stated those grounds to a judicial officer.

This judicial officer finds that Plaintiff's life or health is in imminent danger and authorizes the issuance of this Emergency Order of Protection.

IT IS ORDERED:

NO CRIMES. Defendant shall not commit any crimes against Plaintiff or Protected Persons.

☐ **NO CONTACT.** Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: ☐ Phone ☐ Email/Fax ☐ Mail ☐ Other:

☐ **NO CONTACT.** Defendant shall have no contact with **Protected Persons** except through attorneys, legal process, court hearings and as checked: ☐ Phone ☐ Email/Fax ☐ Mail ☐ Other:

Case No. _____

THE COURT FURTHER ORDERS:

☐ **RESIDENCE.** Plaintiff is granted exclusive use and possession of the residence listed below.

PROTECTED LOCATIONS. Defendant shall not go to or near Plaintiff's or Protected Person's:

☐ Residence: _____

☐ Workplace: _____

☐ School/Other: _____

☐ **ARIZONA FIREARMS LAW (A.R.S. § 13-3624(D)(4)).** The court finds that Defendant may inflict bodily injury or death on Plaintiff and, therefore, Defendant is prohibited from possessing or purchasing a firearm for the duration of this order.

OTHER ORDERS. _____

_____ Order issued by: _____
Date _____ Judicial Officer's Name and Court

WARNING: This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order. **Even if the plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the plaintiff to contact you, you have the right to request a protective order against the plaintiff. But orders are not automatically granted upon request. Legal requirements must be met.**

NOTICE: Violations of this order should be reported to a law enforcement agency, not the court.

NOTICE TO PLAINTIFF: If this order gives you exclusive use and possession of the residence and you move out while this order is in effect, you must notify the court within five days of moving out of the residence.

CERTIFICATE OF SERVICE

The undersigned, being first duly qualified by law, certifies that Defendant was served with a copy of this Emergency Order of Protection on ____ / ____ / ____ at ____ a.m./p.m. at
(date) (time)

(address where Defendant was served)

Reporting Peace Officer, Agency, and ID No.

Serving Peace Officer, Agency, and ID No.

All Courts in Arizona/NCIC#/DPS#

Address

City, Arizona Zip Code Telephone Number

Plaintiff v. Defendant	Case No.	REQUEST: <input type="checkbox"/> Hearing <input type="checkbox"/> Dismiss Order <input type="checkbox"/> Cancel Hearing <input type="checkbox"/> Continue Hearing OP/IAH/IAWH Issue Date: ___/___/___
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☐ **Defendant* requests:**

- ☐ a hearing. See *Note to Defendant. →
- ☐ that the court cancel the hearing requested by the defendant in this case.
- ☐ that the court continue the scheduled hearing on ___/___/___ (date).

☐ **Plaintiff requests that:**

- ☐ the protective order listed above be dismissed.
- ☐ the court cancel the hearing set prior to the issuance of the protective order in this case.
- ☐ the court continue the scheduled hearing on ___/___/___ (date).

***NOTE TO DEFENDANT:**

Certain conditions may cause a defendant to be prohibited from possessing firearms by federal law while an Order of Protection is in effect. The conditions are:

(1) Defendant and Plaintiff are either married (past or present), live together as intimate partners (past or present), or are parents of a child in common, and

(2) the Order of Protection is affirmed or modified at a hearing of which Defendant received actual notice and had an opportunity to participate (even if Defendant fails to appear at the hearing).

If you have questions about hearings and state and federal firearms prohibitions, you should contact an attorney. The court cannot give you legal advice.

List the reasons for your request:

Date

Requesting Person's Signature

Please inform court staff if interpreter services are needed for this hearing. ☐ Yes, I need interpreter services for _____

Address and telephone number if Defendant is the requesting party.

CERTIFICATE OF TRANSMITTAL

Copy ☐ mailed ☐ provided personally to Plaintiff on ___/___/___ by _____
Copy ☐ mailed ☐ provided personally to Defendant on ___/___/___ by _____